# Warren: Keep Criticism Constructive

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PHILADELPHIA, Pa., Aug. 1—Chief Justice Earl Warren, who is trying to retire from the Supreme Court, said today the Nation's judges will be as severely criticized in the future as they have been during his 15 years on the bench.

He called on the Conference of State Chief Justices—an organization that has denounced the Warren Court in the past—to help sustain respect for the judiciary by keeping the criticism constructive and fair.

"If one of our three coordinate branches of government is discredited, the entire structure of government is weakened," said Warren. "None of them can strengthen the Democratic process by climbing over the weakened body of another."

Warren said the judiciary was the branch "most susceptible to attack, because it cannot enter the political arena and trade blow by blow with those who would discredit its work. The others can and do."

The Chief Justice's speech was loaded with ironic reminders of the latest storm over the Court that developed when Warren said in June that he wanted to retire.

But Warren said he already had "a feeling of detachment and a sense of distance from the turbulence of our times" and was prepared to philosophize with the top state judges about the American judicial system.

Warren told the judges, who are meeting here in connection with next week's American Bar Association convention, that he brought greetings "from my colleagues on the Supreme Court, or possibly my former colleagues, depending on circumstances over which I have no control."

The nomination of Associate Justice Abe Fortas to replace Warren is stalled in the Senate Judiciary Committee. Warren, who will stay on the bench until replaced, smiled broadly as he told the reporter that the work was piling up in Washington for the term that begins October 7 "and the only question is who's going to do it."

Warren addressed a forum that ten years ago issued a rebuke to the Supreme Court for allegedly usurping state's rights. He shared the platform with Chief Justice John C. Bell of the Pennsylvania Supreme Court, who tries to repeat this criticism at each annual meeting.

Both the 1958 chief justices' report and the recent speech by Bell were used last month by Sen. Strom Thurmond (R-S.C.) in his cross-examination of Fortas. Warren, who has been on a three-week cruise, later told newsmen that he was unaware of Bell's speech or its role in the confirmation hearings.

Warren told the jurists that because the courts can't defend themselves, "We are therefore fortunate to have organizations such as this where results can be appraised by men of like responsibilities in terms of the judiciary process and not in keeping with the emotions of the day.

"In all of this travail" over criminal law and constitutional disputes, Warren said, "the greatest adhesive power we have is the profound belief of the American people in our constitutional system, the dedication of our public servants to obey its injunctions and the independence of the judiciary."

Warren warned that the Nation, while boasting the world's oldest democracy, is still new and growing and "still on trial as far as our institutions are concerned." The challenge is whether Americans shall enjoy "ordered liberty," he said.